

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 20 FEB 2001

PCT

Applicant's or agent's file reference 92162	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. <b>PCT/AU99/01157</b>	International Filing Date (day/month/year) 21 December 1999	Priority Date (day/month/year) 21 December 1998
International Patent Classification (IPC) or national classification and IPC  Int. Cl. <sup>7</sup> C07C 69/003, 69/007, 69/02, 69/675, 69/608, 69/704, 69/74, 69/75, 69/757, 233/46, 305/08, 305/10; C07F 9/08; A61K 31/22, 31/23, 31/66, 31/20, 31/70, 31/72; A61P 31/12, 31/18, 31/22		
Applicant GHADIMINEJAD, Iraj		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 4 sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of sheet(s).
3.	This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 17 July 2000	Date of completion of the report 2 February 2001
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>K. LEVER</b> Telephone No. (02) 6283 2254

**I. Basis of the report**

1. With regard to the elements of the international application:\*
- ☒ the international application as originally filed.
- ☐ the description,        pages , as originally filed,  
   pages , filed with the demand,  
   pages , received on    with the letter of
- ☐ the claims,                pages , as originally filed,  
   pages , as amended (together with any statement) under Article 19,  
   pages , filed with the demand,  
   pages , received on    with the letter of
- ☐ the drawings,            pages , as originally filed,  
   pages , filed with the demand,  
   pages , received on    with the letter of
- ☐ the sequence listing part of the description:  
   pages , as originally filed  
   pages , filed with the demand  
   pages , received on    with the letter of
2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, was on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
4. ☐ The amendments have resulted in the cancellation of:
- ☐ the description,        pages
- ☐ the claims,                Nos.
- ☐ the drawings,            sheets/fig.
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos: 1-13

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

The scope of the claims directed to compounds is so broad that a complete search could not be performed for economical reasons. The cited documents give just a small selection of compounds falling within the scope of claim 2; care has been taken to include compounds exemplifying each and every "R" possible under the definition provided.

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claim Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	<b>YES</b>
	Claims 1-13	<b>NO</b>
Inventive step (IS)	Claims	<b>YES</b>
	Claims 1-13	<b>NO</b>
Industrial applicability (IA)	Claims 1-13	<b>YES</b>
	Claims	<b>NO</b>

**2. Citations and explanations (Rule 70.7)**

The Search Report cited the following documents.

**D1 Chemical Abstracts 129:335760**

**D2 Chemical Abstracts 126:108949**

**D3 Chemical Abstracts 125:67155**

**D4 Chemical Abstracts 123:40705**

**D5 Chemical Abstracts 120:307465**

**D6 Chemical Abstracts 118:87624**

**D7 Chemical Abstracts 115:256686**

**D8 Chemical Abstracts 100:187878**

**D9 Chemical Abstracts 108:40124**

**D10 Chemical Abstracts 97:164032**

**D11 Chemical Abstracts 94:194020**

**D12 Chemical Abstracts 94:17408**

**D13 Chemical Abstracts 84:135271**

**D14 Chemical Abstracts 82:88070**

**D15 Chemical Abstracts 66:37444**

Each of these citations discloses compounds falling within the scope of, for example, claim 1. Care has been taken to include compounds exemplifying each and every "R" possible under the definition provided in, say, claim 2. Accordingly, the claimed subject matter is not novel and does not involve inventive step.

The claimed subject matter is industrially applicable because of the purported uses thereof.

Claims 6-13 are directed to methods of treatment of the human or animal body and do not require international preliminary examination, but have nonetheless been considered because the subject matter does not contravene Australian Law.